

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Santosh Misra

Art Unit: 1637

Application No.: 09/641,540

Filed: August 18, 2000

For: PLANT-GENE PROMOTER AND  
METHODS OF USING THE SAME

Examiner: Teresa E. Strzelecka

Date: February 6, 2003

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on February 6, 2003 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

*[Signature]*  
Agent for Applicant

TRANSMITTAL LETTER

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Enclosed is an Amendment and a Declaration Under § 1.132 of Milan Osusky (with two sheets of figures attached) for the above application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims	20	- 48*	= 0	\$9.00	\$0.00
Indep. Claims	1	- 3**	= 0	\$42.00	\$0.00
Mult. Dep. Claims Fee (if not previously paid)				\$140.00	\$0.00
Three-month Extension of Time				\$465.00	\$465.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$465.00

\* greater of twenty or number for which fee has been paid.

\*\* greater of three or number for which fee has been paid.

- ☒ Applicant petitions for an extension of time for the number of months indicated above. If an additional extension of time is required please consider this a petition therefor.
- ☒ A check in the amount of \$465.00 is attached.

RECEIVED

FEB 19 2003

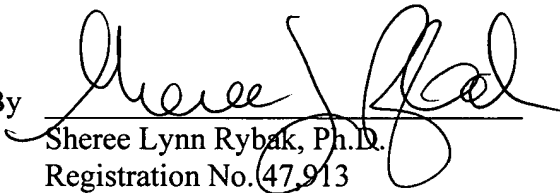
Page 1 of 2

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- ☒ Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ A Marked-up Version of Amended Claims and Specification Pursuant to 37 C.F.R. §§ 1.121(b)-(c) is attached.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

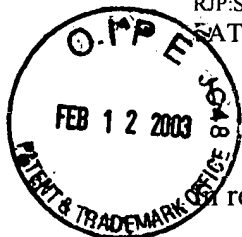
Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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cc: Docketing



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Santosh Misra

Art Unit: 1637

Application No. 09/641,540

Filed: August 18, 2000

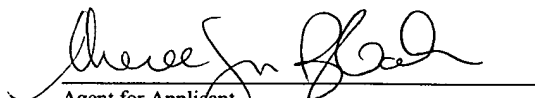
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Agent for Applicant

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**AMENDMENT**

This Amendment is in response to the Office action dated August 6, 2002. A three-month period for response was set, and a three-month extension fee is enclosed, making a response due by February 6, 2003.

**Please replace the paragraph on page 32, lines 18-27 of the specification with the following:**

C1  
Douglas-fir gene promoter-GUS chimeric constructs as shown in Figure 3 were constructed. For construction of pMTP0.9-GUS, the 0.9-kb fragment of the 5'-flanking sequence of the *gPmMTa* gene was PCR-amplified from the plasmid gPMMTa-Exo1.2 using a pair of primers, creating *PstI/SaII* sites at 5'-end and *XbaI/BamHI* sites at 3'-end of the promoter fragment. After partial digestion with *XbaI/PstI*, the 0.96-kb PCR product was cloned into pBI221 vector (Clontech, Palo Alto, California) in place of the *XbaI/PstI* fragment of the CaMV 35S promoter region. For construction of pMTP0.2, the plasmid pMTP0.9 was partially digested with *HindIII/XbaI*, and the isolated 0.28-kb fragment was cloned into pBI221 vector, thereby replacing the *HindIII/XbaI* fragment of the CaMV 35S promoter region.

**Please amend the claims as follows:**

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